

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 360 be amended to read as follows:

- 1 Page 2, line 24, delete "nineteen" and insert "**twenty-one (21)**".
- 2 Page 2, line 25, delete "(19)".
- 3 Page 2, line 27, delete "individual." and insert "**individual and each**
- 4 **physician documents on the patient's medical chart the reason the**
- 5 **physician determined that the surgery is necessary to save the life**
- 6 **of the individual.**".
- 7 Page 2, between lines 27 and 28, begin a new paragraph and insert:
- 8 "SECTION 2. IC 16-18-2-240.5 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2005]: **Sec. 240.5. "Morbid obesity", for**
- 11 **purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**
- 12 SECTION 3. IC 16-40-3 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2005]:
- 15 **Chapter 3. Reporting of Deaths or Complications From Morbid**
- 16 **Obesity Surgeries**
- 17 **Sec. 1. As used in this chapter, "morbid obesity" means:**
- 18 **(1) a body mass index of at least thirty-five (35) kilograms per**
- 19 **meter squared, with comorbidity or coexisting medical**
- 20 **conditions such as hypertension, cardiopulmonary conditions,**
- 21 **sleep apnea, or diabetes; or**
- 22 **(2) a body mass index of at least forty (40) kilograms per**
- 23 **meter squared without comorbidity.**
- 24 **For purposes of this section, body mass index is equal to weight in**
- 25 **kilograms divided by height in meters squared.**
- 26 **Sec. 2. (a) A physician who is licensed under IC 25-22.5 and who**
- 27 **performs a surgical treatment for the treatment of morbid obesity**
- 28 **shall:**
- 29 **(1) monitor the patient for five (5) years following the patient's**
- 30 **surgery; and**
- 31 **(2) report:**

- 1 (A) to; and
- 2 (B) in a manner prescribed by;
- 3 the state department any death or serious complication of a
- 4 patient who receives surgical treatment for morbid obesity.
- 5 (b) The report required in subsection (a) must include the
- 6 following information:
- 7 (1) The gender of the patient.
- 8 (2) The name of the physician who performed the surgery.
- 9 (3) The location in which the surgery was performed.
- 10 (4) Information concerning the death or complication and the
- 11 circumstances behind the death or complication.
- 12 Sec. 3. (a) The state department shall collect and maintain the
- 13 information reported to the state department under section 2 of
- 14 this chapter.
- 15 (b) The records under subsection (a)(2) are public records and
- 16 are subject to public inspection. However, the state department
- 17 may not release any information in the records that the state
- 18 department determines may identify the patient's identity.
- 19 Sec. 4. A physician who knowingly violates this chapter may be
- 20 subject to disciplinary sanctions under IC 25-1-9 as if the physician
- 21 had knowingly violated a rule adopted by the medical licensing
- 22 board under IC 25-22.5-2-7.
- 23 Sec. 5. The state department shall adopt rules under IC 4-22-2
- 24 necessary to implement this chapter.
- 25 Sec. 6. This chapter expires June 30, 2010."
- 26 Page 3, line 11, delete "nineteen (19) and insert "twenty-one (21)".
- 27 Page 3, line 14, delete "individual." and insert "individual and each
- 28 physician documents on the patient's medical chart the reason that
- 29 the physician determined that the surgery is necessary to save the
- 30 life of the individual."
- 31 Page 4, line 3, delete "nineteen (19)" and insert "twenty-one (21)".
- 32 Page 4, line 5, delete "individual." and insert "individual and each

1 **physician documents on the patient's medical chart the reason that**
2 **the physician determined that the surgery is necessary to save the**
3 **life of the individual."**

4 Renumber all SECTIONS consecutively.
 (Reference is to SB 360 as printed February 4, 2005.)

Senator MILLER